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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,006	10/01/2003	Giovanni Coglitore	443452000103	9230

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EXAMINER	
LEA EDMONDS, LISA S	

ART UNIT	PAPER NUMBER
2835	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/678,006	COGLITORE ET AL.	
	Examiner	Art Unit	
	Lisa Lea-Edmonds	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 November 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/22/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6, 8-14, 16-22, 24-34, 38-43, and 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matouk et al. (4691274) in view of Dubin (5971506). With respect to claims 1-6, 8-14, 16-22, 24-31, 32-34, 38-43, and 46-51, Matouk et al. teaches at least two modules (41, 42, 43) comprising at least one heat-generating component, each module (41, 42, 43) adapted to permit air to flow in the module such that airflow goes through, over, or adjacent to the at least one heat-generating component to cool the at least one heat-generating component; and a rack (12) configured for the at least two modules (41, 42, 43) to be placed in a back-to-back configuration such that the rack and components will cooperate to direct air that flows through the modules (41, 42, 43) to (1) up to exit the rack through an upper section of the rack, (2) down to exit the rack through a lower section of the rack, or (3) both, wherein the modules and the rack cooperate to define a space between at least two back-to-back modules (see for example figures 1, 3, 4). However, Matouk et al. lacks a clear teaching of the modules being computers as claimed. Dubin is relied upon for its

teaching of a rack mounting computer (100) comprising at least one heat-generating component, and being adapted to permit air to flow in the computer such that airflow goes through, over, or adjacent to the at least one heat-generating component to cool the at least one heat-generating component, wherein the computer further comprises a chassis (10) comprising a front panel (60), wherein each computer further comprises a chassis comprising enclosing at least one main board, wherein the computer is configured with at least one vent (64) provided at a front section as claimed (see for example figures 3-6). It would have been obvious to one skilled in the art at the time the invention was made to incorporate the computer of Dubin into the rack of Matouk et al. to convert the computer into a rack mounted system. With respect to claims 9 and 25, and the claimed limitation of the air exiting through the computers, as implied by applicant (see page 21 ¶0072) regardless of which flow direction is chosen ... advantageous flow across heat-generating components which must be cooled is possible, therefore it would have been obvious to one skill in the art to for both Matouk et al. and Dubin to "choose" any flow direction as claimed.

3. Claims 7, 15, 23, 31, 35, 36, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matouk et al. (4691274) in view of Dubin (5971506) as applied to the claims above, and further in view of Wrycraft (6011689). With respect to claims 7, 15, 23, and 31, Matouk et al. (4691274) in view of Dubin (5971506) teach the invention as set forth above. However, Matouk et al. (4691274) in view of Dubin (5971506), lacks a clear teaching of the at least one vent (64) being provided at a back section and providing fans as claimed. Wrycraft is relied upon for its teaching of the at

least one vent (64) being provided at a back section and providing fans as claimed (see for example figures 1-9). It would have been obvious to one skill in the art at the time the invention was made to incorporate the teachings of Wrycraft into the apparatus of Matouk et al. (4691274) in view of Dubin (5971506) to aid in cooling of the heat-generating components.

Response to Arguments

4. Applicant's arguments filed 11/16/05 have been fully considered but they are not persuasive. With respect to claims 1-6, 8-14, 16-22, 24-31, 32-34, 38-43, and 46-51, it appears that applicant is merely using different words to restate the arguments previously presented. Applicant, once again asserts that Matouk et al. does not teach "air being permitted to flow through, over or adjacent to the at least one heat-generating component" as claimed. The examiner of record respectfully directs applicant to column 2 lines 35-39 and line 58 through column 3 line 12 of Matouk et al. as well as column 3 lines 14-16 of Dubin for a teaching of "air being permitted to flow through, over or adjacent to the at least one heat-generating component" as claimed. The examiner of record also takes the position that Matouk et al. does in fact teaches each module permitting air to flow in the module such that airflow goes through, over or adjacent to the at least one heat-generating component. Applicant is directed to figures 5 and 6, which show modules (42, 43 respectfully). As can be seen, neither module (42, 43) is completely enclosed (i.e. having top, bottom and sides) to prevent airflow "in or through" the modules such that air flows through, over or adjacent the at least one heat generating component as claimed. In addition, neither Matouk et al. nor Dubin teach

any structure that would be considered "air tight" or "sealed" in any way. Therefore, Matouk et al. nor Dubin can teach a module and/or computer that would not "permit" air to flow therein or there through such that air flows through, over or adjacent the at least one heat generating component as claimed. As to modules (42, 43) of Matouk et al., it is noted that applicant seems to focus on these module however it is the computer of Dubin, which the examiner relies upon for a teaching of permitted airflow. With respect to applicant's assertions that there is no teaching, suggestion, or motivation to combine Matouk or Dubin, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Matouk et al. discloses a rack system that provides cooling of electronic components racked therein, and electronic components being used with a computer (not shown, see for example column 3 lines 49-57). Dubin discloses a system to rack mount a desktop computer, which provides cooling (see figures 3-5). However, Dubin lacks a clear teaching of the type of rack used. The suggestion or motivation to combine the teachings of Matouk et al. and Dubin to produce applicant's claimed invention would be found in the fact that Dubin teaches a rack mounting system for computers but does not disclose the rack, and Matouk et al. teaching a rack that could be used with computers (which are not shown), as well as the knowledge generally available to one of ordinary skill in the art.

With respect to applicant's assertion that the combination of Matouk et al. and Dubin would inhibit the operation of the computer of Dubin, the examiner respectfully points out that applicant is relying on the teachings of the prior art cited by Dubin in column 2 lines 54-56. The description of the invention of Dubin begins on line 1 of column 3, and does not include and openings (142, 144, and 148) as stated. Applicant is furthermore directed to the differences between figures 2 (prior art), 3 and 4, which show chassis (140), however chassis (140) in figures 3 and 4 does not include openings (142, 144, and 148). Figures 3 and 4 shows an opening (not labeled), which can be opening (144) of the prior art. However, this is not the opening applicant is arguing. Furthermore, the computer of Dubin teaches a tilt-out door (66) including a series of slots (64) to allow (permit) for the passage of air for cooling of the electrical components of the computer (see for example figures 3-5 and column 3 lines 14-16). With respect to claims 7, 15, 23, 31, 35, 36, 44, and 45, applicant's asserts that Wrycraft fails to cure the deficiencies described with respect to Matouk and Dubin. The examiner of records respectfully maintains the above rejection of claims 7, 15, 23, 31, 35, 36, 44, and 45, in that a proper prima facie case of obviousness has been established above.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lisa Lea-Edmonds
Primary Examiner
Art Unit 2835

2006-01-23